

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

SEP 17 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

TOBY MEAGHER, through his Litigation  
Guardian JOSHUA BROTHERS,

Plaintiff-Appellee,

v.

RODNEY PRIOLEAU, Officer; et al.,

Defendants-Appellants,

and

KING COUNTY; et al.,

Defendants.

No. 20-35635

D.C. No. 2:19-cv-00259-JLR  
Western District of Washington,  
Seattle

ORDER

Before: O'SCANNLAIN, RAWLINSON, and CHRISTEN, Circuit Judges.

Appellee's motion to dismiss this appeal for lack of jurisdiction (Docket Entry No. 8) is denied without prejudice to renewing the arguments in the answering brief. *See Nat'l Indus. v. Republic Nat'l Life Ins. Co.*, 677 F.2d 1258, 1262 (9th Cir. 1982) (merits panel may consider appellate jurisdiction despite earlier denial of motion to dismiss).

We further deny appellee's alternative request to stay this appeal pending certain additional proceedings anticipated by appellee in the district court, as well

as appellee's request to instruct the district court on how to conduct those contemplated proceedings.

The opening brief and excerpts of record are due October 21, 2020. The answering brief is due November 20, 2020. The optional reply brief is due within 21 days after service of the answering brief.